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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAFAEL CASTILLO-SANCHEZ,

 Petitioner,

 v.

WILLIAMS, NEVEN, et al.,

 Respondents.

Case No. 2:19-cv-01171-KJD-CWH

ORDER

Petitioner has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, an application to proceed in forma pauperis (ECF No. 1), and a motion for appointment of counsel (ECF No. 2).

Petitioner is financially eligible for appointment of counsel under 18 U.S.C. § 3006A. The court finds that appointment of counsel is in the interests of justice given petitioner's lengthy prison sentence and his limited ability in English.

IT THEREFORE IS ORDERED that the application to proceed in forma pauperis (ECF No. 1) is **GRANTED**.

IT FURTHER IS ORDERED that the clerk file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

IT FURTHER IS ORDERED that the motion for appointment of counsel (ECF No. 2) is **GRANTED**.

1 IT FURTHER IS ORDERED that the Federal Public Defender is appointed provisionally
2 a counsel. The Federal Public Defender will have thirty (30) days from the date of entry of this
3 order either to undertake representation of petitioner or to indicate to the court the office's
4 inability to represent petitioner. If the Federal Public Defender is unable to represent petitioner,
5 then the court will appoint alternate counsel, subject again to establishment of financial eligibility.
6 The court will set a deadline for filing of an amended petition or a motion seeking other relief
7 after counsel has appeared. The court anticipates setting the deadline for ninety (90) days from
8 entry of the formal order of appointment. The court does not signify any implied finding of
9 tolling during any time period established or any extension granted. Petitioner always remains
10 responsible for calculating the limitation period of 28 U.S.C. § 2244(d)(1) and timely presenting
11 claims. The court makes no representation that the petition, any amendments to the petition, and
12 any claims in the petition or amendments are not subject to dismissal as untimely. See Sossa v.
13 Diaz, 729 F.3d 1225, 1235 (9th Cir. 2013).

14 IT FURTHER IS ORDERED that the clerk add Aaron Ford, Attorney General for the
15 State of Nevada, as counsel for respondents.

16 IT FURTHER IS ORDERED that the clerk electronically serve both the Attorney General
17 of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of this
18 order.

19 IT FURTHER IS ORDERED that respondents' counsel must enter a notice of appearance
20 within twenty-one (21) days of entry of this order, but no further response will be required from
21 respondents until further order of the court.

22 IT FURTHER IS ORDERED that the clerk shall provide copies of all prior filings to both
23 the Attorney General and the Federal Public Defender in a manner consistent with the clerk's
24 current practice, such as regeneration of notices of electronic filing.

25 DATED: September 9, 2019



KENT J. DAWSON
United States District Judge